

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, May 24, 2006

IMPACT OF ACCESSIBILITY REQUIREMENTS ON MODERNIZATION PROJECTS

PURPOSE OF REPORT

To present a report by the Division of the State Architect (DSA) regarding the fiscal impact of the accessibility requirements on modernization projects.

DESCRIPTION

At the February 2005 State Allocation Board (SAB) meeting, a report by the DSA was provided addressing the fiscal impact of the California Building Code requirements on the Emergency Repair Program. Subsequently, the Board requested Staff to provide further information on the subject to determine whether this is an area of interest for future bonds.

The attached report has been provided by the DSA in response to the Board's request. The DSA indicated that it would have representatives available at this meeting to present this report and address questions of the Board.

SUMMARY

The DSA sent out a survey to all districts (and those representing the districts) that submitted school modernization projects for DSA approval within the last three years. The DSA received responses for 252 modernization projects. The projects ranged from \$50,000 to \$20,000,000 in construction costs and the amount spent on accessibility requirements represented a range of less than one percent to 100 percent of the construction costs. Based on the survey responses, an overall average of 26 percent of the construction costs were attributed to accessibility requirements.

The report provided by the DSA provides the survey results in categories. The results were categorized by grade level, age of building/school, school enrollment, school location, and site topography. On average, high schools between 61-90 years of age in urban areas with large enrollment and challenging topography were found to have the most impact by the accessibility requirements.

AUTHORITY

Government Code Section 4450(a) states that it is the purpose of this chapter to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities.

Pursuant to Government Code Section 4450(b), the State Architect shall develop and submit proposed building standards to the California Building Standards Commission for approval and adoption... and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Pursuant to Government Code Section 4454(a), where state funds... are utilized for the construction of elementary school, secondary school, or community college buildings and facilities subject to this chapter, no contract shall be awarded until the Department of General Services has issued written approval stating that the plans and specifications comply with the intent of this chapter.

## STAFF COMMENTS

Currently, the School Facility Program provides a three percent increase to the base grant for excessive costs due to handicapped access and fire code requirements relating to modernization projects, pursuant to Regulation Section 1859.83 (f).

The California Building Code places a 20 percent limit on the cost of the accessibility requirements for projects with construction costs of \$113,500 or less. However, for projects with construction costs greater than \$113,500, no limit applies. The excessive cost hardship grant for handicap access and fire code requirements may not provide sufficient funds to meet these requirements. The following chart provides an example of a modernization project that participated in the survey:

Sample Modernization Project	
Construction Costs Reported	\$3,200,000
Total Project Cost	\$5,058,403
State Share	\$3,035,042
District Share	\$2,023,361
Handicap Access Grant	\$142,012
ADA Costs Reported	\$558,520

As the chart illustrates, the handicap access grant only provides for a small portion (25 percent) of the reported accessibility costs.

A recommendation to provide additional funding for accessibility requirements, however, cannot be made based on this survey, as providing a standard increase to all projects would not address individual district's needs. The findings are greatly varied. The accessibility requirements vary depending on the age of the building/school, location, topography, etc. Therefore, should additional funding be warranted, it may be more appropriate to provide additional funding on a project-by-project basis.

There is current legislation, Assembly Bill (AB) 2149, which proposes to provide additional funding for Americans with Disabilities Act (ADA) requirements. This legislation would require each project to be reviewed by the DSA to determine its specific ADA requirements and provides the supplementary grant based on the DSA review. AB 127, which authorizes the Kindergarten-University Public Education Facilities Bond Act of 2006 to be submitted before the voters on November 7, 2006, does not include any provisions to change the amount of funding provided to applicant school districts for access compliance.

## RECOMMENDATION

Accept this report.

## BOARD ACTION

In considering this item, the Board accepted the report. In addition, the Board requested that Staff work with Legal Counsel to determine if there is sufficient statutory authority to pursue proposed regulations that would provide additional modernization funding on a project-by-project basis for accessibility requirements as verified by the Division of the State Architect.